

In The United States Patent Office

Appellant respectfully requests the Board of Appeals issue a corrected *Docketing Notice* because it will avoid confusion regarding what arguments are, and are not, before the Board.

On September 21, 2009, the Board of Appeals issued a *Docketing Notice*.  
That Notice enumerates Appellant's June 13, 2007 *Appeal Brief* and Appellant's  
November 8, 2007 *Supplemental Reply Brief*.

August 29, 2007 Examiner's Answer, Appellant's September 4, 2007 Reply Brief,

and the Examiner's October 24, 2007 *Supplemental Examiner Answer*. In summary, the pleadings and arguments before the Board are:

1. June 13, 2007 *Appeal Brief*
2. August 29, 2007 *Examiner's Answer*,
3. September 4, 2007 *Reply Brief*, and
4. October 24, 2007 *Supplemental Examiner's Answer*.
5. November 8, 2007 *Supplemental Reply Brief*

To avoid confusion over what arguments are, and are not, before the Board, Appellant respectfully asks the Board to issue a revised *Docketing Notice* enumerating each of the aforementioned pleadings.

As a related issue, the September 21, 2009 *Docketing Notice* does not mention the Examiner's December 3, 2007 *Second Supplemental Examiner's Answer*, nor the Examiner's August 21, 2009 *Revised Second Supplemental Examiner's Answer*.

Appellant understands that the Examiner's December 3, 2007 *Second Supplemental Examiner's Answer* will be disregarded pursuant to the Board's March 31, 2009 *Order* finding that pleading non-compliant with the Rules.

Appellant further understands that the Examiner's August 21, 2009 *Revised Second Supplemental Examiner's Answer* will be disregarded because it fails to comply with the Board's explicit March 31, 2009 *Order* requiring corrective action

(e.g., the signature of the Technology Center Director, explicit identification of new grounds of rejection).

=> **If the Board intends to consider the Examiner's August 21, 2009 Revised Second Supplemental Examiner's Answer, Appellant respectfully requests the**  
5 **Board: (a) return that Answer to the Examiner (again) so that it can be corrected to comply with the Board's March 31, 2009 Order, and (b) allow the Appellant time to file a Reply to the new grounds of rejections raised therein.**

Respectfully submitted on behalf of the Applicant by its attorneys,  
PHARMACEUTICAL PATENT ATTORNEYS, LLC

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/s/  
Mark Pohl, Reg. No. 35,325

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Pharmaceutical Patent Attorneys LLC  
55 Madison Avenue, 4th floor  
Morristown, NJ 07960-6397 USA  
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